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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/717,689	11/20/2003	George Barry Hanna	030309 (BLL-0091-P)	9316

36192 7590 07/07/2008
CANTOR COLBURN LLP - BELLSOUTH
20 Church Street
22nd Floor
Hartford, CT 06103

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JUL 09 2008

CANTOR COLBURN LLP

EXAMINER

AL AUBADI, RASHA S

ART UNIT PAPER NUMBER

2614

MAIL DATE DELIVERY MODE

07/07/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

JLY

DOCKETED
Due: 7 October 2008
Item: Final O/A
Initials: pop On: 7-9-08

2-mo. expedited:
7 September 2008

Final

Office Action Summary	Application No.	Applicant(s)	
	10/717,689	HANNA, GEORGE BARRY	
	Examiner	Art Unit	
	RASHA S. AL AUBAIDI	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 May 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This in response to amendment filed 05/16/2008. No claims have been added. No claims have been canceled. No claims have been amended. Claims 1-17 are still pending in this application.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fuller et al. (US PAT # 4,893,335).

Regarding claim 1, Fuller teaches a method for making a telephone call connection (see col. 2, lines 55-58), comprising: receiving an incoming call at a computer (this reads on control system 10, which resides in box 14, see Fig. 1) in signal communication with a telephone being called by a caller, the telephone having an associated sign-up calling plan service billed to a home plan at a home plan rate (this reads on the direct dial rate, see col. 13, lines 30-35). Fuller teaches the "money saver" mode that allows individuals to place a telephone call from an external location and get the same flat rate as if they were at home (see col. 13, lines 26-35). An individual enters

a special access number (see col. 13, lines 35-37). The feature of "validating the personal identification number" is inherent. The caller in Fuller then can dial the a long distance number (see col. 13, lines 37-39), invoking an outbound call to the destination number (this basically reads on making the call, see col. 13, lines 45-47) and in response to the destination number being answered (reads on the called party answering the call), dropping the line (reads on the central office terminating the call, see col. 13, lines 40-53).

While, Fuller teaches the use of announcement that instructs the caller to dial his telephone number (see col. 11, lines 33-37).

However, Fuller does not specifically teach the caller will be prompted with first and second announcement. And this announcement will specifically prompt the caller to enter his personal identification number as recited in claim 1.

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have an announcement programmed to address and ask the caller specific questions and requests. Obviously, announcements should be programmed based on the need and desire in order to expedite the handling of the processing and establishing calls.

Claims 7, 10-11 and 14-15 are rejected for the same reasons as discussed above with respect to claim 1.

Regarding claim 2, Fuller teaches a three-way call between the computer, the caller, and the destination telephone number (this simply may read on the "three way-calling", see col. 1, and lines 20-24).

Claims 12 and 16 are rejected for the same reasons as discussed above with respect to claim 2.

Claim 3 recites "the invoking an outbound call comprises: in response to the telephone being serviced by more than one line, invoking an outbound call to the destination number on another line". This limitation is obvious and well known in the art.

Claim 4 recites "in response to the caller replying to the second service announcement and entering a plurality of conference call telephone numbers to be called, invoking a conference call between the computer, the caller, and each of the plurality of telephone numbers, and in response to the conference call connections being made or terminated, dropping the computer off line, thereby enabling the caller to communicate with the plurality of telephone numbers via the home plan at the home plan rate". Fuller teaches the feature of conference call (see col. 8, lines 13-39).

Claim 5 recites "in response to the caller replying to the first service announcement and entering a call-forward command and a call-forward telephone number, redirecting all calls received at the computer to the call-forward telephone number". Fuller teaches the use of a call forward (see col. 9, lines 36-68).

Claim 6 recites "in response to the destination number being busy and in response to a prompt from the caller, activating a call-back service, thereby enabling the caller to communicate with the destination number via the home plan at the home plan rate in response to the destination number not being busy". Fuller teaches the use of a callback feature (see col. 7, lines 11-30).

Claim 8 recites "the telephone is the caller's residence telephone". This limitation is obvious. A caller may chose to be connected to any destination such residential or business. Having the telephone to be a residence phone or having the telephone associated with the caller's business does not rise the invention to the level of patentability.

Claim 9 is rejected for the same reasons as discussed above with respect to claim 8.

Claims 13 and 17 are rejected for the same reasons as discussed above with respect to claims 1, 3-6, 10 and 14, respectively.

Response to Arguments

4. Applicant's arguments have been fully considered but they are not persuasive.

Applicant argues (Page 9 of the Remarks) that **"dropping the computer off line, Thereby enabling the caller to communicate with the destination number"**.

The Examiner respectfully disagrees with Applicant argument. First, the main purpose of dropping the computer off line or having the central office terminating the call (see col. 13, lines 40-53) as interpreted by the Examiner both leads to the same end result, which is allowing the caller to communicate with the destination number.

Second, both the claimed language and Examiner interpretation leads to allowing the caller to communicate with the destination number using two different terminologies.

Also, it appears from Applicant argument (Page 10 of the Remarks) regarding "dropping the line, which was admitted to mean terminating the call" that Applicant is relying only on certain embodiments that are not cited by the Examiner.

For Applicant's argument (Page 10 of the Remarks) regarding the "prompting the caller with first and second announcement". The Examiner strongly believes that the use of an IVR and prompting is old and notorious in the art. The Applicant is not inventing the IVR or the prompt. This limitation will not rise the invention to the level of patentability.

The Examiner believes that all other arguments are already addressed in the above rejection.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rasha S AL-Aubaidi whose telephone number is (571) 272-7481. The examiner can normally be reached on Monday-Friday from 8:30 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wing Chan, can be reached on (571) 272-7493.

Application/Control Number: 10/717,689
Art Unit: 2614

Page 8

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Rasha S AL-Aubaidi/

Primary Examiner, Art Unit 2614

Notice of References Cited	Application/Control No. 10/717,689	Applicant(s)/Patent Under Reexamination HANNA, GEORGE BARRY	
	Examiner RASHA S. AL AUBAIDI	Art Unit 2614	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
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*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
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